IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 25226 of 1997

Between:

1 Komaramjeri Pedamunuswamy s/o. Venkata Swamy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
2 Kolluru Govindu S/o. Chengaiah
R/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore District.
3 Nalliboyina Pitchamma W/o. Bodaiah
R/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore District.
4 Avula China Anjaiah S/o. Singaiah
R/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore District.
5 Avula Peda Anjaiah S/o. Singaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
6 Komaramjeri Munemma w/o. Chengaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
7 Komaramjeri Chengaiah s/o. Venkatswamy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
8 Kolluru Munemma W/o. Chengaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
9 Kolluru Dhanalakshamma, legal representative N.Munu Swamy, S/o.

Vendaiah, r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
10 Mogalluru Chengamma W/o. Ramaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.
11 Kommala Polaiah s/o. Mastanaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),

Sullurpet (M), Nellore Dist.

12 Vijaya Mudu Reddy, L.R.Subbamma W/o. late Muddu Reddy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

13 Sree Anjayaneyaswami Temple, trustee Santha Rao
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

14 Nallaboyins Radhaiah S/o. Chengaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

15 T.Krupamma W/o. Lakshmaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

16 Pannuru Rangaiah s/o. Papaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

17 Ramabhadram Ramanaiah S/o. Chengaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

18 Nallaboyina Peda Puttamma w/o. Munuswamy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

19 Nallaboyina Chinnamma w/o. Sreeramulu
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

20 Somisetty Subba Rao s/o. Subbaramaiah Chetty
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

21 Nallaboyina Munuswamy W/o. Vendaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

22 Komala Chandraiah s/o. Krishnaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

23 Komaramjeri Chinamnuswamy s/o. Desaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

24 Puli Anjaneyulu S/o., Peda Subbaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

25 Pulambeti Rangamma, LR. Munilingam s/o. Peda Munilingam
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

26 Veerla Venkateswarlu s/o. Puli Raju
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

27 Kuppa Subbanarasamma W/o. Munuswamy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

28 Nalliboyina Kamalamma W/o. N.Munuswamy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V),
Sullurpet (M), Nellore Dist.

29 Chandanamudu Chinna Eswaraiah S/o. Siva lingaiah

r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

30 Sriharikota Maneiah S/o. Polaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore District.

31 Sriharikota Chinasubramanyam s/o. Nagaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

32 Sriharikota Chandraiah s/o. Polaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

33 Chandanamudi Sreenivasulu S/o. Venkataswamy
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

34 Chandanamudi Mastanaiah s/o. Chilakaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

35 Thumma Chinakuppaiah s/o. Chengaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

36 Thumma Chinakuppaiah s/o. Peda Kuppaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

37 Nalliboyina Kuppaiah s/o. Chengaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

38 Kudiri Subba Rao S/O. Guravaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

39 Nalliboyina Krishnamma s/o. Varadaiah
r/o. Davidigunta Hamlet of Kasavareddypalem Revenue (V), Sullurpet (M), Nellore Dist.

..... PETITIONERS

AND

1 The Govt. of A.P. rep.by its Secretary Revenue Dept., Secretariat Buildings, Hyderabad

2 The Land Acquisition Officer (Sub-Collector/R.D.O.) Gudur, Nellore District.

3 The Govt. of India, Department of Space, Civil Engineer, Construction

Engineer Sriharikota, Nellore district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings in R.C.A.No.3831/84 dt:30/8/1997 of the 2nd respondent as arbitrary, illegal, unfair and unjust and contrary to the provisions of

Sec. 28-A of the Land Acquisition Act; and direct the 2nd respondent to re-determine and pay the said amount to the petitioners.

Counsel for the Petitioners :MR.M.RAVINDRANATH REDDY

Counsel for the Respondent Nos.1 and 2 : GP FOR LAND ACQUISITION

Counsel for the Respondent No.3 : Mr. B.Adinarayana Rao

The Court made the following :

ORDER:

The writ petitioners moved this Court under Article 226 of the Constitution of India praying for issuance of a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings in R.C.A.No.3831/84 dated 30-8-1997 of the 2nd respondent as arbitrary, illegal, unfair and unjust and contrary to the provisions of Section 28-A of the Land Acquisition Act, 1894, hereinafter in short referred to as "Act" and to direct the 2nd respondent to re-determine and pay the said amount to the petitioners and to pass such other suitable orders.

Sri Ravindranath Reddy, the learned Counsel representing the petitioners would submit that the impugned proceedings cannot be sustained for the reason that the view expressed by the 2nd

respondent that Section 28-A of the Act is not applicable and cannot be invoked in the present case in view of the fact that L.G.O.P.No.287/88 was disposed of by the Lok Adalat following a different procedure and such compromise arrived between the parties before the Lok Adalat would not fall within the meaning of Section 28-A of the Act, cannot be sustained for the reason that even Lok Adalat should be deemed to be a Civil Court for all practical purposes and hence the narrow construction of the said provision cannot be justified. The learned Counsel also placed reliance on **BOARD OF TRUSTEES OF THE PORT OF VISAKHAPATNAM Vs. PRESIDING OFFICER, PERMANENT, LOK ADALAT-CUM-SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, VISAKHAPATNAM AND ANOTHER** and had drawn the attention of this Court to different provisions of Legal Services Authorities Act 1987 and also the Rules and Regulations framed thereunder in this regard.

Per contra the learned Government Pleader for Land Acquisition would contend that unless the conditions under Section 28-A of the Act are satisfied, the writ petitioners are not entitled to the benefits under the said provision. The learned Counsel also pointed out that though other conditions are satisfied inasmuch as the matter referred to had been settled in Lok Adalat and not before a Court, the deemed provision under the Legal Services Authorities Act 1987 cannot be

taken advantage of and hence Section 28-A of the Act cannot be said to be attracted in the present case.

Heard the Counsel.

The question involved in the present Writ Petition is plain and simple. Several of the facts are not in dispute. The writ petitioners are questioning the proceedings in R.C.A.No.3831/84 dated 30-8-1997 wherein the petitioners' application filed under Section 28-A of the Act was rejected on the ground that the said provision is not applicable to their case. The writ petitioners are residents of Kasavareddipalem and are agriculturists owning small extents of lands. The Government of Andhra Pradesh on requisition of the 3rd respondent acquired an extent of Acs.62-54 cents belonging to all the petitioners and others in Kasavareddipalem Revenue village for the purpose of construction of housing colonies for the employees of the 3rd respondent. The 2nd respondent was appointed as the Land Acquisition Officer to discharge the functions under the Act. The 2nd respondent passed an award in the year 1988 offering the market value at the rate of Rs.20,000/- per acre for wet land and Rs.12,000/- per acre for dry land. Some of the claimants/land owners i.e., about 30 persons requested the 2nd respondent to refer the matter under Section 18 of the Act for fixation of market value to the Civil Court as the market value fixed by the 2nd respondent is very low and it does not reflect

the existing market value in the village. The matter was referred to the Sub-Court, Gudur under Section 18 of the Act and the Sub-Court, Gudur enhanced and the market value by the Judgment dated 31-7-1995 and fixed the market value at the rate of Rs.60,000/- per acre of wet land and Rs.36,000/- per acre of dry land, excluding all the statutory benefits. It is also stated that a Lok Adalat was held at Sriharikota wherein the market value fixed at the above rates was recommended by denying the statutory benefits under the Act and subsequent thereto the Sub-Collector passed decree in O.P.Nos.278 to 300 of 1998 on 31-7-1995 enhancing the rates of lands in question as recommended by the Lok Adalat. It is further stated that after enhancement of compensation by the Sub-Court the petitioners filed an application on 10-10-1995 under Section 28-A of the Act before the 2nd respondent requesting him to re-determine the compensation by fixing the market value on par with the decree passed by the Sub-Court, Gudur. After receiving the petitioners' application under Section 28-A of the Act, the 2nd respondent addressed a letter to the 3rd respondent requesting him to deposit the amount enabling him to pay the said amount to the petitioners and accordingly the 3rd respondent deposited a sum of Rs.18,26,000/- by way of two cheques dated 18-6-1996 and 26-8-1996. Even after receipt of the said amount from the 3rd respondent, the 2nd respondent did not re-determine the compensation and did not pay the amount to the

petitioners. The petitioners made written representations on 9-10-1996, 31-10-1996, 23-12-1996 and 13-2-1997 requesting the Land Acquisition Officer to pass orders under Section 28-A of the Act and to pay the amount, but the 2nd respondent for the reasons known to him did not re-determine the compensation on par with the awards passed by the Sub-Court, Gudur. It is also stated that the petitioners received a communication in proceedings R.C.A.No.3831/84 dated 30-8-1997 stating that the petitioners are not entitled to re-determination of the compensation as the provisions of Section 28-A of the Act are not applicable to the petitioners' case. It is also stated that the petitioners filed an application under Section 28-A of the Act within three months from the date of order of the Sub-Court and hence it is mandatory on the part of the Land Acquisition Officer to re-determine the compensation in respect of the lands in question in terms of the award passed by the Sub-Court, Gudur. It is further stated that as per the provisions of Section 28-A of the Act the Land Acquisition Officer is bound to re-determine the amount of compensation on the basis of the award of the Civil Court. Inasmuch as the application was moved within time, the 2nd respondent is bound to re-determine the compensation under Section 28-A of the Act.

The 2nd respondent filed a counter affidavit wherein it was averred that on the requisition received from the Construction Engineer, Sriharikota, an extent of Acs.62-54 of land was acquired in Award No.1/86-87 dated 10-5-1986 for construction of staff quarters of SHAR Authority. The 2nd respondent-Land Acquisition Officer fixed the market value @ Rs.20,000/- per acre for wet lands and Rs.12,000/- per acre for dry lands. Some of the land owners had taken compensation under protest and requested to refer the matter to Civil Court as the market value fixed by the 2nd respondent-Land Acquisition Officer is very low. The matter was referred to Sub-Court, Gudur under Section 18 of the Act and numbered as L.A.O.P.Nos.292/86 to 309/86 and 278/88 to 291/88. While the matter stood thus, the land owners whose cases were referred to the Sub-Court had come to a compromise to settle the matter in Lok Adalat. Accordingly these L.A.O.Ps. were settled in Lok Adalat after submitting a memorandum of compromise with the affidavits of both the parties on 31-7-1995 having agreed to take compensation @ Rs.60,00/- per acre for wet lands and Rs.30,000/- per acre for dry lands including all benefits and inclusive of the amount already paid. It is further stated that subsequent thereto, the writ petitioners, except the 39th petitioner, filed an application before the 2nd respondent on 14-10-1999 under Section 28-A of the Act for re-determination of the compensation by fixing the market value on par with the

compensation paid in the Lok Adalat. It is stated that the filing of an application under Section 28-A of the Act will arise if the Civil Court passes orders under Section 18 of the Act after adducing evidence. In this case, the parties had compromised under Lok Adalat Scheme which is outside the purview of the Civil Court. As such the applications under Section 28-A of the Act are not maintainable. It is further averred that the application filed under Section 28-A of the Act was rejected as the filing of such application would arise only if the Civil Court passes an order under Section 18 of the Act after adducing evidence. It is further stated that it is not mandatory on the part of the Land Acquisition Officer to re-determine the compensation if the cases are settled in Lok Adalat. If the cases are settled in a Civil Court and the Civil Court passes an order under Section 18 of the Act after adducing evidence, then only it will be mandatory to re-determine the compensation under Section 28-A of the Act.

Section 28-A of the Act dealing with **Re-determination of the amount of compensation on the basis of the award of the Court** reads as hereunder :

> (1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under Section 11, the persons interested in all the other land covered by the same notification under Section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under Section 18, by written application to the collector within three months from the date of the award of the Court require that the

amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court.

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the court and the provisions of Sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under Section 18.

The Land Acquisition Act, 1894, Act 1 of 1984, is an Act to amend the law for the acquisition of land for public purposes and for Companies.

Section 3 of the Act deals with **Definitions** and Section 3(d) defines the expression “Court” as :

“In this Act, unless there is something repugnant in the subject or context, the expression ‘Court’ means a Principal Civil Court of original jurisdiction, unless the appropriate Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act”.

In **UNION OF INDIA Vs. PRADEEP KUMARI** the Apex Court held :

“The object underlying the enactment of Section 28-A is to remove inequality in payment of compensation for same or similar quality of land arising on account of inarticulate and

poor people not being able to take advantage of the right reference to the Civil Court under Section 18 of the Act. This is sought to be achieved by providing an opportunity to all aggrieved parties whose land is covered by the same notification to seek re-determination once any of them has obtained order for payment of higher compensation from the reference Court under Section 18. Section 28-A is, therefore, in the nature of a beneficient provision intended to remove inequality and to give relief to the inarticulate and poor people who are not able to take advantage of right of reference to the civil court under Section 18 of the Act. In relation to beneficient legislation, the law is well-settled that while construing the provisions of such a legislation, the Court should adopt a construction which advances the policy of the legislation to extend the benefit rather than a construction which has the effect of curtailing the benefit conferred by it. There is nothing in sub-section (1) of Section 28-A to indicate that this right is conferred in respect of the earliest award that is made by the Court after the coming into force of Section 28-A. By construing the expression 'where in an award under this Part' in sub-section (1) of Section 28-A, is being read therein and thereby the amplitude of the said provision is being curtailed so as to restrict the benefit conferred by it. In the matter of construction of a beneficient provision it is not permissible by judicial interpretation to read words which are not there and thereby restrict the scope of the said provision. Holding that the award referred to in Section 28-A(1) is the first award made after the coming into force of Section 28-A would be to deprive persons of the benefit extended by Section 28-A. Such a construction would result in perpetuating the inequality in the payment of compensation which the legislature wanted to remove by enacting Section 28-A. The object underlying Section 28-A would be better achieved by giving the expression "an award" in Section 28-A its natural meaning as meaning the award that is made by the Court in Part III of the Act after the coming into force of Section 28-A. If the said expression in Section 28-A(1) is thus construed, a person would be able to seek re-determination of the amount of compensation payable to him provided the following conditions are satisfied :

i. An award has been made by the court under Part III after the coming into force of Section 28-A;

ii. By the said award the amount of compensation in excess of the amount awarded by the Collector under Section 11 has been allowed to the applicant in that

reference;

iii. The person moving the application under Section 28-A is interested in other land covered by the same notification under Section 4(1) to which the said award relates;

iv. The person moving the application did not make an application to the Collector under Section 18;

v. The application is moved within three months from the date of the award on the basis of which the re-determination of amount of compensation is sought; and

vi. Only one application can be moved under Section 28-A for re-determination of compensation by an applicant.

It is not in controversy in the present case that the writ petitioners had moved the present application under Section 28-A of the Act and the said lands are covered by the same notification under Section 4(1) of the Act to which the award relates and it is also not in controversy that the application was filed in time. The only objection is that inasmuch as these decrees were made by the Sub-Court, Gudur on the strength of the compromise arrived at by the parties before Lok Adalat, the provisions of Section 28-A of the Act are not attracted.

The Legal Service Authorities Act, 1987, Act 39 of 1987, is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any

citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Chapter VI of the said Act deals with Lok Adalats and Section 19 dealing with **Organisation of Lok Adalats** reads as hereunder :

1. Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee, may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

2. Every Lok Adalat organized for an area shall consist of such number of –

   a. serving or retired judicial officers; and

   b. other persons;

   of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalat.

3. The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

4. The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

5. A lok Adalat shall have jurisdiction to determine and to arrive at a compromise and settlement between the parties to a dispute in respect of –

f. any case pending before; or

(ii) any matter which is falling within the jurisdiction of and is not brought before, any Court for which the Lok Adalat is organized.

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

Section 20 of the said Act dealing with **Cognizance of cases by Lok Adalats** reads as hereunder :

(1) Where in any case referred to in clause (i) of sub-section (5) of Section 19, -

i. (a) the parties thereof agree; or

(b) one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such Court is *prima facie* satisfied that there are chances of such settlement; or

(ii) the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the Court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of Section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of Section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination :

Provided that no matter shall be referred to the Lok Adalat

except after giving a reasonable opportunity of being heard to the other party.

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of natural justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the Court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a Court.

(7) Where the record of the case is returned under sub-section (5) to the Court, such Court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).

Section 21 of the said Act dealing with **Award of Lok Adalat** reads as hereunder :

1. Every award of the Lok Adalat shall be deemed to be a decree of a Civil Court or, as the case may be an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of Section 20, the Court fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870 (7 of 1870).

2. Every award made by a Lok Adalat shall be final and

> binding on all the parties to the disputes and no appeal shall lie to any Court against the award.

In the decision referred (1) supra, while dealing with Sections 19(5), 21 and 22 of the said Act and the validity of the award and award of Lok Adalat it was held that the same be deemed to be a decree of the Civil Court passed on compromise and the same is final and no Appeal lies and such an award is not subject to judicial review and the Lok Adalat is vested with jurisdiction to receive applications direct and decide the dispute between the parties on consent or compromise. As already referred to supra, there is no dispute or controversy between the parties that all other conditions had been satisfied except that the 39th petitioner had not joined the presentation of the application. The only objection on which the impugned order was made is to the effect that unless some evidence is adduced and the matter is adjudicated on the reference made under Section 18 of the Act by a competent Court, on the mere fact that the parties had settled the matter in Lok Adalat, the benefits under Section 28-A of the Act cannot be claimed. On a careful reading of the relevant provisions of the Legal Service Authorities Act, 1987 and also Section 28-A of the Land Acquisition Act, 1894, this Court is of the considered opinion that the respondents cannot defeat the legal right of the petitioners to claim benefit under Section 28-A of the Act by resorting to the method of arriving at a settlement or

compromise before the Lok Adalat on the strength of which the decrees had been passed. This construction or interpretation of the provisions of the Act and also the provisions of the Legal Services Authorities Act, 1987 would be definitely contrary to the very object with which Section 28-A of the Act had been introduced. When the parties are covered by the same notification and though they had not made an application to the Collector under Section 18 of the Act, if the other conditions are satisfied the Land Acquisition Officer is bound to re-determine the amount of compensation on the basis of the award of the Court. The mere fact that a Court had made such award only on the strength of the compromise or settlement arrived at between the parties before the Lok Adalat, in the considered view of this Court, would not alter the situation in any way. As already referred to supra, interpreting the provisions specified supra otherwise, would defeat the very object and intendment with which Section 28-A of the Act had been introduced. Hence, this Court is not inclined to accept the contention advanced by the learned Government Pleader for Land Acquisition representing the respondents.

Specific stand was taken that no application had been moved by writ petitioner No.39. In the light of the specific stand taken in the counter affidavit, no relief can be granted so far as it relates to writ petitioner No.39 is concerned. In the light of the specific stand taken in the counter affidavit that the other writ petitioners had moved the

application within time in accordance with law for re-determination of compensation under Section 28-A of the Act, petitioners 1 to 38 are entitled to the relief prayed for. The 39th petitioner is not entitled to any relief and accordingly the Writ Petition is dismissed so far as it relates to writ petitioner No.39 is concerned.

In the light of the reasons recorded supra, the writ petitioners 1 to 38 are bound to succeed and hence let a mandamus be issued directing the 2nd respondent-Land Acquisition Officer to re-determine the compensation under Section 28-A of the Act in accordance with law within a period of one month from the date of receipt of this order. The Writ Petition is accordingly allowed so far as it relates to petitioners 1 to 38 are concerned. The Writ Petition shall stand dismissed so far as it relates to 39th petitioner is concerned. Writ petitioners 1 to 38 are entitled to costs quantified at Rs.10,000/-.

_____

P.S.Narayana.,J

Date : -1-2005

L.R. copy to be marked : YES / NO

AM

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Twentieth day of January Two Thousand and Five.

ASSISTANT REGISTRAR

MEMORANDUM OF COSTS

Quantified costs ordered by court

to petitioners 1 to 38 Rs.10,000/-

Rs.10,000/-

(Rupees ten thousand only)

ASSISTANT REGISTRAR

To:

One fair copy to the Hon'ble Sri Justice P.S. Narayana (for his Lordship's kind perusal)

1 Secretary, Revenue Department,

Government of A.P.

Secretariat Buildings, Hyderabad

2 The Land Acquisition Officer (Sub-Collector/R.D.O.)
Gudur, Nellore District.

3 The Govt. of India, Department of Space, Civil Engineer, Construction

Engineer Sriharikota, Nellore district.

4. 2 C.Cs. to Government Pleader for Land Acquisition,

High Court of A.P.

High Court Buildings,

Hyderabad (OUT).

5. 2 C.D. copies

6. 8 L.R. copies

7. The Under Secretary, Union of India, Ministry of Law, Justice & Company Affairs, New Delhi.

8. The Secretary, A.P. Advocates Association Library, High Court Buildings, Hyderabad.